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6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 DAVID LEE STILES,

11 Defendant.  
12

NO. CR-05-111-RHW

**ORDER DENYING MOTION TO  
DISMISS COUNT ONE OF THE  
INDICTMENT, *INTER ALIA***

13 Before the Court are Defendant's Motion to Dismiss Count One of the  
14 Indictment (Ct. Rec. 23), Motion to Sever Counts (Ct. Rec. 25), and Motion to  
15 Dismiss Count Two (Ct. Rec. 27). A motion hearing was held on November 22,  
16 2005. Defendant was present and represented by Stephen Hormel; Assistant  
17 United States Attorney Ronald Skibbie appeared on behalf of the Government.  
18 After the Court made an oral ruling on Defendant's motions, Defendant entered a  
19 plea of guilty to Count One of the Indictment. This order memorializes the Court's  
20 oral rulings.

21 Accordingly, **IT IS HEREBY ORDERED:**

22 1. Defendant's Motion to Dismiss Count One of the Indictment (Ct. Rec.  
23 23) is **DENIED** for the reasons stated at the hearing. This Court is bound by the  
24 Ninth Circuit's ruling in *United States v. Murillo*, 422 F.3d 1152 (9th Cir. 2005).

25 2. Defendant's Motion to Sever Counts (Ct. Rec. 25) is **DENIED as moot.**

26 3. Defendant's Motion to Dismiss Count Two (Ct. Rec. 27) is **DENIED as**  
27 **moot.**

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1       **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
2 Order and forward copies to counsel.

3       **DATED** this 22<sup>nd</sup> day of November, 2005.  
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5                               s/ ROBERT H. WHALEY  
6                               Chief United States District Judge  
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